

REMARKS

The foregoing changes are supplemental to the changes made in the Amendment mailed 8/2/2005 in view of the Notice mailed 10/20/2005. Claim 1 has been amended to describe a more specific location of the head/neck pillow on the base. Claim 13 has been amended to describe the head/neck pillow as extending up from the base.

In view of the 10/20/2005 Notice, all of the Remarks concerning the prior art as included in the 8/2/2005 Amendment are reproduced below. Additional remarks responsive to the 10/20/2005 Notice are also included below and entitled as "Supplemental Remarks".

REMARKS REPRODUCED FROM THE 8/2/2005 AMENDMENT

Turning now to the rejections at paragraph 4 of the 05/06/2005 Office Action, initially, Fox, Colavito et al., and Clark describe pillows intended for uses different from the claimed pillow. The Fox pillow is intended for sleeping. Col. 1, line 4; col. 3, line 26. Colavito et al. describes a therapy pillow. Col. 2, line 66; col. 3, line 16. Clark describes a nursing pillow adapted for use with twins. Col. 8, line 41. These differences in intended use affect the way these prior art references are viewed by a person of skill in the art. The diverging uses of the pillows described in the three prior art references consequently teaches away from their combination.

Turning initially to the content of the individual references, Fox, U.S. Patent No. 4,759,089, discloses a cervical pillow for sleeping having a truncated base element 12. As shown in Figs. 1, 3A, and 3B, there is no wedge-shaped element. Rather, the front end of the pillow is truncated or cut off. Col. 2, lines 49-55; lines

63-65. While Fox describes a "wedge section 24," that wedge section 24 is positioned on top of the contoured section adjacent to the back end of the pillow. Accordingly, Fox does not disclose the claimed "wedge-shaped base" element described in the claims.

Fox et al. also does not disclose a head/neck pillow, as claimed. Rather, the Fox et al. pillow is a continuous pillow, with no separately discernable head/neck pillow on a base, as claimed.

Colavito et al. describes a therapy pillow which may have a wedge-shape. However, like Fox, Colavito et al. also does not disclose any head/neck pillow on a base. Rather, the Colavito et al. pillow has a flat top surface, as shown in Fig. 3.

Clark, U.S. Patent No. 5,790,999 (which is cited only as disclosing a handle) does not disclose a wedge-shaped base or a head/neck pillow on the base, as claimed. In view of the absence of the claimed wedge-shaped base and head/neck pillow on the base in Fox, Colavito et al., or Clark, the combination of these three references cannot render claims 1, 8, or 13 obvious.

Regarding claim 3, Fox describes a "wedge section 24" made of polyurethane foam on top of a contoured section 18, col. 2, lines 63-65, as well as a top layer 26 of convoluted foam, col. 3, lines 4-11, which covers the entire top surface of the pillow, as shown, for example, in Figs. 1, 3A, and 3B of Fox. Consequently, there is no head/neck pillow comprising a second foam, as claimed, in Fox, or the other prior art references.

Regarding the rejection of claim 6, as well as new claims 13 and 14, Fox discloses a 10° angle. Col. 3, lines 13-15. Colavito et al. also discloses a 10° angle,

col. 4, lines 2-4 (tangent 6/36 resulting in an angle of about 10"). In contrast, claims 6 and 13 describe an angle of 25-55°, a range well above both Fox and Colavito et al.

Claims 9, 15, and 17 describe the head/neck pillow positioned over both the front surface and back surface, a feature not suggested in the prior art. With respect to the comments regarding claim 9 at the bottom of page 3 of the 05/06/2005 Office Action, Applicant submits that the description of the location of the head/neck pillow, and its attachment, in claims 9, 15, and 17, are positively recited limitations or elements, and not functional description. Indeed, the language of these claims describes no functions whatsoever, but rather describes a location or attachment of the head/neck pillow element.

#### SUPPLEMENTAL REMARKS

No separate arguments directed to dependent claims 5 and 12 are presented.

Regarding claims 8 and 13, the remarks above concerning Fox, Covalito and Clark apply equally as well. Fox has no wedge-shaped base or any discernable head/neck pillow, or any head/neck pillow extending upwardly from the base as in claim 13. Colvalito discloses a more wedge-shaped pillow, but no head/neck pillow. Moreover, even if the fluid-filled plastic container 16 in Colavito could be considered to be a head/neck pillow, it is not adjacent to an upper end of the base, as in amended claim 1. Clark discloses a handle, but none of the other claimed elements.

Relative to claim 13 and 14, both Colavito and Fox use a pillow with a very flat incline—about 10 degrees, as explained above. This is consistent with their intended use and purpose. It is also much flatter than the angles described in claims 13 and 14, which are suitable for an exercise/fitness pad or pillow, rather than for therapy as in Colavito and Fox.

Regarding claims 15 and 17, nothing in the prior art shows a head/neck pillow attached to both the front and back surfaces of a wedge-shaped base as in claim 15, or at the peak of a wedge, as in claim 17. (See Figs. 4 and 5 in the Application).

Regarding claim 16, Colavito shows the plastic container 16 having a width less than the foam element 12. However, the plastic container is not a head/neck pillow. Claim 18 describes the wedge-shaped base as substantially triangular. Colavito shows a wedge-shape, with a slight radius at the front, but without any of the elements of independent claim 13.

With respect to claim 8, and the addition of Pearce as the fourth reference in the combination (with Fox, Colavito and Clark), Pearce discloses methods for making cushions. The cushions are for seat cushions (Fig. 1) or mattresses (Fig. 54). Even if Pearce discloses memory foam, there is no suggestion in Pearce for using memory foam for a head/neck pillow as claimed. Indeed, there is no head/neck pillow disclosed in Pearce.

In view of the foregoing, it is submitted that the claims are in condition for allowance. A Notice of Allowance is requested.

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Respectfully submitted,

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